

**REMARKS**Claim Changes

Claim 3 is amended to correct a typographical error.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Objection to the Claims

In response to the objection to claim 17 for informalities, Applicant has reworded "a change in situational status;" to "a change in situational status." for clarity as requested.

Rejection of Claims 1 – 20 under 35 U.S.C. § 103 (a) as being unpatentable over US 2002/0019879 (Jasen et al) in view of US 2004/0196864 (Benveniste).

Applicant respectfully traverses the rejection of claims 1 – 20. Reconsideration is respectfully requested.

Applicant respectfully submits that Jasen and Benveniste, individually or in combination do not teach or suggest all the claim limitations as set forth in the independent claims 1, 18, and 19. For example, independent claims 1, 18, and 19 recite "...receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to data associated with a user of the middleware....", which is not taught or suggested by the combination of Jasen and Benveniste.

The Office Action in item 3, page 3 concedes that "Jasen . . . fails to disclose that the trigger indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware and external to data associated with a user of the middleware. Nonetheless, these

features are well known in the art and would have been an obvious modification of the system disclosed by Jasen, as evidenced by Benveniste . . . see paragraphs 11 and 14". Applicant respectfully disagrees.

Benveniste is directed to an apparatus and methods for handling emergency message frames (e.g., "911" call frames, etc.) sent by a station in a wireless local-area network. The illustrative embodiment increases the probability with which an emergency message frame is accorded the singularly highest quality-of-service by modifying one or more IEEE 802.11e parameters for a device that transmits an emergency message frame (Abstract). Paragraph [0011] describes how 911 signaling frames for setting up a call can be treated in a special way to avoid delay or loss of those frames to an access point [AP] (*see also* paragraph [0009]). An example given is to "transmit 911 signaling frames with the same access priority as the AP", and further examples are given of how such priority transmission to the AP can be performed by setting certain parameters such as backoff delay and contention window size. Paragraph [0014] describes the need, once the 911 call has been set up, to ensure that audible quality voice data frames arrive within a specified delay and with limited jitter. The paragraph further teaches that these requirements are more easily met on the downlink from the AP to the client, wherein a "simple way for the AP to give 911 frames preferential treatment on the downlink is to have 911 frames queued separately, and to transmit them within the specified time limits".

Accordingly, at most, Benveniste teaches in paragraphs [0011] and [0014] methods for providing prioritized transmission of 911 frames during both call set-up where signaling frames are transmitted and after call set-up where voice frames are transmitted. What Benveniste fails to disclose is any type of "trigger" that indicates a 911 or emergency condition external to subscriber and the AP. There is at most described therein in paragraph [0011] the client device (which sets up the 911 call) indicating that the 911 signaling frames be given the same access priority as an AP via the setting of certain parameters associated with the transmitted signaling frames, without any accompanying indication that the frames themselves are 911 frames. Therefore, Benveniste fails to teach or suggest "receiving at least one trigger that indicates at least one of a condition of mission criticality or a level of mission criticality for a situation that is external to the middleware, external to data routed to and from the middleware, and external to

data associated with a user of the middleware”, as recited in Applicant's independent claims 1, 18, and 19.

In view of the foregoing, Applicant submits that claims 1, 18, and 19 are not suggested or described individually or in combination of Jasen and Benveniste, and therefore the rejection of claims 1, 18, and 19 under 35 USC 103(a) should be withdrawn. Applicant requests that claims 1, 18, and 19 now be passed to allowance.

Dependent claims 2 – 17 and 20 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2 – 17 and 20 and requests withdrawal of the rejection of these claims. Applicant requests that claims 2-17 and 20 now be passed to allowance.

#### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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